



Iowa General Assembly

2008 Committee Briefings

Legislative Services Agency – Legal Services Division

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SENTENCING SUBCOMMITTEE OF THE CRIMINAL CODE REORGANIZATION STUDY COMMITTEE

Meeting Dates: [July 22, 2008](#) | [November 20, 2008](#) |

Purpose. *This compilation of briefings on legislative interim committee meetings and other meetings and topics of interest to the Iowa General Assembly, written by the Legal Services Division staff of the nonpartisan Legislative Services Agency, describes committee activities or topics. The briefings were originally distributed in the Iowa Legislative Interim Calendar and Briefing. Official minutes, reports, and other detailed information concerning the committee or topic addressed by a briefing can be obtained from the committee's Internet page listed above, from the Iowa General Assembly's Internet page at <http://www.legis.state.ia.us/>, or from the agency connected with the meeting or topic described.*

SENTENCING SUBCOMMITTEE OF THE CRIMINAL CODE REORGANIZATION STUDY COMMITTEE

July 22, 2008

Chairperson: Honorable Michael Mullins

Overview. The charge of the Sentencing Subcommittee of the Criminal Code Reorganization Study Committee is to review the sentencing structures of other states including the establishment of a sentencing commission.

Presentation About Sentencing Commissions. Mr. Jack O'Connell, President of the National Association of Sentencing Commissions, and Ms. Isabel Gomez, Director of the Minnesota Sentencing Commission, made a presentation to the Subcommittee about sentencing commissions via a telephone conference. Mr. O'Connell stated that sentencing commissions and sentencing guidelines have added predictability to sentence lengths and provide better control over prison population growth. Representative Rick Olson asked if sentencing guidelines account for the age of the offender. Ms. Gomez stated that sentencing guidelines are starting to account for the age of the offender. Senator Keith Kreiman asked whether the prosecution and the offender have the right to appeal a decision made by a judge using guidelines. Ms. Gomez responded that in Minnesota the prosecution and the offender have the right to appeal. Mr. O'Connell stated there are no appeals until 90 days after conviction, but an offender has the right to ask for a resentencing before the trial judge. Mr. O'Connell stated that no standard sentencing commission exists and there are sentencing commissions without sentencing guidelines. Mr. O'Connell further stated that most states with a sentencing commission have abolished the parole board. Subcommittee discussion ensued about the fairness, certitude, and equity of sentences in states with a sentencing commission. The Subcommittee also discussed the membership of sentencing commissions.

Discussion. The Subcommittee discussed the direction of future meetings. Chairperson Mullins stated the Subcommittee should identify the various functions of sentencing commissions and the agencies performing these functions for the state of Iowa. Mr. Thomas H. Miller, Deputy Attorney General, asked if there is evidence that sentencing commissions and determinate sentencing increase equity, reduce recidivism, and reduce costs. Mr. O'Connell directed Mr. Miller to studies done by the National Center for State Courts (NCSC). He also suggested the Subcommittee discuss sentencing commissions with states that have created sentencing commissions. He informed the Subcommittee that South Carolina recently studied creating a sentencing commission but declined to adopt such a commission. The Subcommittee further discussed sentencing commissions but did not take any action during the meeting.

Next Meeting. To be announced.

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SENTENCING SUBCOMMITTEE OF THE CRIMINAL CODE REORGANIZATION STUDY COMMITTEE

November 20, 2008

Chairperson: Honorable Michael Mullins

Overview. The charge of the Subcommittee is to review the sentencing structures of other states including the establishment of a sentencing commission.

Sentencing Commission Presentation. Mr. Jack O'Connell, President of the National Association of Sentencing Commissions, presented an overview of sentencing commissions. He emphasized that a complete criminal law review must account equally for the costs, the impact on public safety, and justice. He emphasized that a sentencing commission must focus on obtaining information, analyzing the information, and presenting and acting upon such information. He further emphasized that the membership on any sentencing commission should be heavily represented by the

Judiciary. He stated that a state may form a sentencing commission and preserve the parole board. Finally, he noted that a sentencing commission requires a more collaborative effort among stakeholders.

Subcommittee Discussion. Chairperson Mullins, asked whether the state should redo the present criminal classification system or accept an ad hoc classification system. Discussion ensued about the Subcommittee's disdain for sentencing guidelines. Senator Keith Kreiman stated a sentencing commission, if created correctly, would not be politically motivated; it would provide expertise in its review of current criminal laws and sentences, and would review any proposed laws for proportionality. Representative Kurt Swaim stated that a sentencing commission would maximize the state's ability to review costs, to enhance public safety, and to establish justice. Representative Clel Baudler emphasized that victim rights need to be considered if a sentencing commission is created.

Committee Action. Chairperson Mullins moved that the subcommittee proceed with creating a proposal to establish a Public Safety Advisory Board. The subcommittee agreed unanimously to proceed with such a proposal.

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